

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
August 25, 2009**

**CALL TO ORDER**

Chair Proud called the meeting of the August 25, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Schumer, Solomonson and Wenner.

**APPROVAL OF AGENDA**

MOTION: Commissioner Mons, seconded by Commissioner Solomonson to approve the agenda as submitted.

ROLL CALL: Ayes – 7 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Feldsien, seconded by Commissioner Ferrington to approve the July 28, 2009 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes – 6 Nays – 0 Abstain - 1 (Schumer)

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Kathleen Nordine reported that the City Council approved the following:

- Conditional Use Permit for Donlar Construction; and
- Southview Senior Housing Development Agreement was extended at the developer's request.

**MINOR SUBDIVISION**

**FILE NO.: 2363-09-21**  
**APPLICANT: PETER AND PHYLLIS SCHMIT**  
**LOCATION: 1345 AND 1349 MEADOW AVENUE**

**Presentation by City Planner Kathleen Nordine**

The applicants, who live at 1345 Meadow Avenue, propose to split off 20 feet from the south property line at 1349 Meadow Avenue and add it to their parcel at 1345. The purpose of the

subdivision is to create sufficient room to build a pool and comply with the required setbacks and lot coverage. Both properties are zoned R1 and are developed with single-family homes. These parcels are designated in the Comprehensive Plan for low density residential development. There is a drainage and utility easement in the rear yard of 1345 which will remain unless the applicants apply to have it vacated.

The property at 1349 consists of 7.86 acres. The property at 1345 has a lot area of 15,246 square feet with a lot depth of 135 feet. The western 20 feet is encumbered as an access and utility easement for 1349. The 20 feet to be added would square off the property lines between the two parcels. Similar subdivisions were approved in 1993 for properties immediately to the west on Meadow Avenue.

Property owners within 350 feet were notified of the proposal, as well as Anoka County, Blaine and Circle Pines. A response from Circle Pines indicated no concerns. The proposal complies with the Comprehensive Plan and Development Code. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Mons asked if there is any indication or discussion of how the over seven acres at 1349 might be further developed. Ms. Nordine stated that there has been general discussion about City requirements for subdivision. A majority of the property is wetland. A small portion appears to be buildable, but staff has not made any analyses of a conceptual subdivision.

Commissioner Solomonson noted the access drive to 1349 is on the property line or within one foot. He asked if a variance would be needed with this subdivision. The distance of the drive would become non-conforming because of the change to the property line. Ms. Nordine stated that since she looked at the driveway as not physically changing, she did not consider it would be nonconforming and needing a variance.

City Attorney Filla stated that in state law there is a difference between undue hardship and the variance standard for subdivisions. Shoreview has not incorporated into its Code both undue hardship standards for zoning and subdivision changes. Under state law undue hardship for a subdivision is a practical hardship. He cannot determine whether this is a practical hardship. The Commission can recommend that the City Council look at this issue.

Commissioner Mons responded that the additional 20 feet to be added to 1345 is that section of the lot that is furthest from the adjacent home. This application does not move the driveway and does not impact the property at 1355. From a practical standpoint, the driveway is there, it is not being moved closer to the property owner at 1355 and no harm is being done. He would leave it to staff and the City Attorney to determine whether a variance is needed, but he would hate to hold up this application.

Chair Proud referred to condition No. 2 of the motion for approval and suggested replacing the word “recordable” with “shall submit an easement in a form approved by the City.” City Attorney Filla agreed but stated that it is important that it also be recorded.

Chair Proud opened the discussion to the public.

**Mr. Schmit**, Applicant, stated that this is a straight forward purchase of 20 feet and submitted the easement for staff review.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Wenner to recommend to the City Council approval of the minor subdivision application submitted by Peter and Phyllis Schmit, for 1349 and 1345 Meadow Avenue. The approvals are subject to the following conditions:

**Minor Subdivision**

1. Combining the split-off 20-foot wide parcel with the adjoining property at 1345 Meadow Avenue for property tax purposes.
2. Prior to submitting the deeds to the City for approval, the applicant shall submit a recordable easement approved by the City that grants the property at 1349 Meadow Avenue a 20-foot wide ingress/egress and utility easement along the western property line as identified on the submitted survey. This easement shall be recorded at Ramsey County.
3. Said subdivision shall be come null and void if it is not recorded at Ramsey County within one year from the date of City Council approval.

The recommendation for approval of the minor subdivision is based on the following finding of fact:

1. The proposed lots conform to the adopted City standards and comprehensive plan policies for residential lots.

Discussion:

Commissioner Ferrington asked if the City Attorney’s comments should be reflected in the Commission’s recommendation.

City Attorney Filla stated that the section of law he is referring to is “Exceptions to Platting.” It states that, “The City Council may exempt an applicant of a minor subdivision resulting in fewer parcels from complying with all or some of the provisions of the platting regulations.” This means that because of the location of the additional portion of the driveway, the City Council may waive the required setbacks.

Commissioners Schumer and Wenner accepted this added recommendation.

Commissioner Mons clarified that the City Attorney's explanation is not an amendment to the motion but part of the recommendation from the Planning Commission for review by the Council.

ROLL CALL:           Ayes – 7                           Nays - 0

**VARIANCE**

**FILE NO.:**               **2364-09-22**  
**APPLICANT:**       **ANDREW HYDE**  
**LOCATION:**           **4128 RUSTIC PLACE**

**Presentation by Senior Planner Rob Warwick**

This variance request is to enlarge the existing driveway with a parking area adjacent to the existing drive and north of the existing garage. A variance is needed because the proposed driveway would then have a 1-foot setback. The required setback is 5 feet. The house has a single-car attached garage with driveway at an 11-foot setback. The reason for the enlargement of the driveway is to be able to properly store the owner's vehicles, including a boat and van to tow the boat. The driveway expansion would be concrete and extend from the rear of the garage to the street. The lot is 75 feet wide and 135 feet deep. The total width of the driveway at the street would be 18 feet and 21 feet inside the property. The parking area next to the garage would be 10 feet wide. The parking area would be crowned to direct runoff onto the applicant's property or to the street. Snow will be stored on the subject property.

The applicants state that the expansion to accommodate their vehicles cannot be done without a variance. It is common to find driveways less than 5 feet from the property line in the neighborhood. The plan complies with the other Code requirements.

Staff believes that the location of the house does not allow adequate expansion area for parking. The expanded driveway will increase lot coverage to 27.2% and take up 28% of the front yard. The applicant has been advised that if more than 5 vehicles are parked in the new driveway, landscaping will be required. The property that would be most impacted would be the neighbor to the north who does not object to this proposal. This area was developed in the 1980s prior to adoption of current regulations. Staff finds the proposal to be a reasonable use of the property given a single car garage and narrow driveway and recommends approval.

Property owners within 150 feet were notified of the application. Two responses were received in support of the project.

Commissioner Solomonson noted the number of similar driveways in the area and asked if other variances have been granted. Mr. Warwick responded that staff found that in 1981, approval was granted to the property immediately to the north for that driveway but did not research all the properties in the area. Commissioner Solomonson expressed concern that vehicles will be parked on the property line. He suggested consideration for parking in the rear yard.

Commissioner Mons stated that while the requested variance is consistent with the neighborhood he is concerned that by granting this variance, it would set a precedent for other similar variances in the neighborhood that would be difficult for the Commission to deny. Mr. Warwick disagreed in that each variance is unique to its own property characteristics. Variances are not transferable to other properties. This property has a rise of approximately 5 feet from the street to the house. Commissioner Mons stated that he would prefer to create a different zoning designation that allows this type of parking, rather than using a variance. He cannot support this application as he is not convinced that the differences with this lot are significant from other lots in the area. He does not want to take action that would be close to spot zoning. He would prefer to table this matter until the applicant can be present.

Commissioner Solomonson agreed with Commissioner Mons. He questioned whether a precedent is being set for parking this number of vehicles. He agreed the matter should be tabled.

Commissioner Wenner expressed concern about the fact that neighbors will be looking at a wall of vehicles from the street to the back of the house. Mr. Warwick stated that Code requires landscaping if more than 5 vehicles are parked. However, there is not sufficient space for landscape screening. If screening is required, a fence should be put in. He would like to hear further from the homeowner and how he would mitigate this storage.

Commissioner Ferrington asked for a poll of the Commission. She stated that if the matter were tabled, further consideration could be given as to whether there is room for screening or consideration given to using the rear yard for parking. She is not in favor of the proposal because of the intensity and appearance for the neighborhood.

Commissioner Feldsien agreed with previous statements. His initial reaction is that some of the vehicles can be stored elsewhere. He is not in favor of the variance and agrees that it sets a precedent for the rest of the neighborhood. He would favor tabling. He would not like to see parking behind the house.

Commissioner Schumer stated he would like to hear from the property owner and would like to see how the applicant would use the suggested ideas.

Commissioner Solomonson stated that it is difficult to support a zero setback for parking vehicles. He has a number of concerns about the area and that there are probably a number of non-conforming uses. How many of the cars parked in the neighborhood are parked legally?

Commissioner Mons stated that he sees this as a broader policy issue. He would rather create a zone where this type of parking is permitted rather than addressing this piecemeal. If this is going to be tabled, he would like to work on a policy.

Chair Proud echoed the concern about the wall of cars and agreed with previous concerns stated.

**MOTION:** by Commissioner Solomonson seconded by Commissioner Schumer to table this matter to the next Planning Commission meeting to allow staff to research information about surrounding properties and the potential for screening should this variance be granted.

**ROLL CALL:** Ayes – 6 Nays - 1

### **VARIANCE**

**FILE NO.:** 2365-09-23  
**APPLICANT:** ZACH STATE  
**LOCATION:** 4157 REILAND LANE

#### **Presentation by Senior Planner Rob Warwick**

A variance is requested for improvements to the house at 4157 Reiland Lane. The existing home does not conform to the calculated minimum front setback. The proposed construction would be an entry addition to the house of approximately 300 square feet with covered stoop that would extend into the required front yard. Also living space would be added above the tuck-under garage of 624 square feet. The roof will be raised, but will be well under the required 35-foot height.

City regulations require a 30-foot front setback, except when adjacent homes exceed a setback of 40 feet. The minimum front setback for the applicant's property is calculated by averaging the 64.75-foot setback for the property to the north and the 101.25-foot setback of the property to the south, plus or minus 10 feet. The minimum setback calculates to 73 feet. The existing home does not conform to this requirement. The proposal complies with all other Development Code requirements. A variance to reduce the front yard setback to 56.25 feet is requested. This expansion would be 65.5 feet from the front property line.

The homes in this neighborhood were built in the 1950s and 1960s. Alignment was not a consideration at that time and front setbacks vary greatly in this neighborhood. The topography of the property and vegetation will minimize any visual impact of the addition from the street, which will be mainly from the south. Staff believes hardship is present in that alignment was not considered when this house was built. This proposal is a reasonable use of the property which will not alter the character of the neighborhood. Approval is recommended.

Property owners within 150 feet were notified of the application. No responses were received.

Commissioner Mons stated that the fact that the setback is further back than the normally required setback is the critical factor for his support. There are a number of situations that arise due to calculated front setbacks and he suggested consideration as to whether this type of variance could be handled administratively.

Commissioner Ferrington noted that the curve of the street draws the eye to the garage to the south so that the houses do look aligned. She is confident that this calculated setback will not detract from the neighborhood.

Chair Proud stated that in addition to the findings listed by staff, he gives consideration to the enhanced appearance and upgrades to the home.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Feldsien to adopt Resolution 09-68 approving the variance request to reduce the front setback to 56.25 feet for an addition to and expansion of the dwelling at 4157 Reiland Lane, subject to the following conditions:

2. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. This approval will expire after one year if a building permit has not been issued and work commenced.
4. No landmark trees will be removed as a result of this project.
5. This approval is subject to a 5-day appeal period.
- 6.

The approval is based on the following findings:

1. A larger single-family dwelling represents a reasonable use of the property.
2. Hardship exists due to the variation of the principal structures of the two lots adjacent to the subject property since a calculated front setback is used. The location of the nonconforming detached garage on the property to the south and the curve in the street will make the project appear consistent with nearby front setbacks.
3. The proposal will not alter the character of the neighborhood, since there is a large variation in front setbacks along Reiland Lane.

**VOTE:** Ayes – 7

Nays - 0

**MISCELLANEOUS**

**City Council Meetings**

Commissioners Ferrington and Feldsien are respectively scheduled to attend the September 8<sup>th</sup> and September 21<sup>st</sup> City Council meetings.

**August 25 Workshop**

Chair Proud stated that the Commission would continue with the workshop discussion from before the meeting after adjournment.

**ADJOURNMENT**

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adjourn the August 25, 2009 Planning Commission meeting at 8:28 p.m.

ROLL CALL: Ayes – 7 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner